

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.12422 of 2010
Date of Decision:22.01.2016**

Angrej Singh & anr.

... Petitioners

Versus

Punjab State Civil Supplies corporation Ltd. & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. PK Garg, Advocate,
for the petitioners.

Mr. IS Sidhu, Advocate,
for the respondents.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

This matter is squarely covered by the decision of this Court rendered in CWP No.10017 of 2011(Khajjan Singh & ors. v. State of Haryana & ors.) decided on 28.5.2014, against which several Letters Patent Appeals have been dismissed on various dates including Letters Patent Appeal No.948 of 2015. In the present case, the petitioners came through the Labour Court award of reinstatement with continuity of service. Persons similarly situated to them were reinstated to service following awards were passed by the Labour Courts in their favour. Persons junior to the petitioners have been regularized on January 1, 1995 whereas the petitioners' case was left behind and the services of the petitioners have been regularized by the department vide order dated May 30, 2007. It is argued that the petitioners have to be treated on equal

footing with their juniors in the matter of regularization of services with retrospective effect from the date when the juniors were regularized. Therefore, the decision of the Government in regularizing their services under the Labour Court award is upheld but the order is declared with retrospective effect from the date when the juniors were promoted. Learned counsel for the petitioners points out that Budh Singh, Surjit Singh, Bant Singh and Bhagwan Singh are persons whose services have been regularized from 1995 also came through the Labour Court award of reinstatement as per seniority list as on October 31, 2005.

For the forgoing reasons, this petition is allowed. The office order regularizing the petitioners as Watchman are ante-dated. A mandamus is issued to the respondent/department to issue a fresh order in terms of this judgment.

It would not be fair for this Court not to consider the preliminary objection raised by the learned counsel for the respondent/Corporation that the petition has been filed belatedly and it suffers from delay and laches from the date when the order of regularization was passed in 2007. The petition has been filed later about 3 years and 2 months odd and deserves to be dismissed on the ground of limitation. This argument cannot be accepted in the face of the nature of the claim made by the petitioners which originates Article 14 of the Constitution of India. It has been explained in *Khajjan Singh's case (supra)* that it is constitutional duty of this Court to remove unfair discrimination wherever it appears in case papers. This aspect is covered by the decision of *Khajan Singh* and nothing more need to say. The

preliminary objection is overruled.

(RAJIV NARAIN RAINA)
JUDGE

22.1.2016
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